

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOSHUA STEPHENSON, :
 :
 Petitioner, :
 :
 v. : Civil Action No. 08-210-JJF
 :
 PERRY PHELPS, :
 Warden, and ATTORNEY :
 GENERAL OF THE STATE :
 OF DELAWARE, :
 :
 Respondents. :

ORDER OF DISMISSAL

Petitioner Joshua Stephenson's request to voluntarily withdraw his § 2254 petition is **GRANTED**, and the above-captioned matter is **DISMISSED** without prejudice. (D.I. 8.) Respondents have not yet served an Answer. Fed. R. Civ. P. 41(a)(1); see Hilton v. Braunskill, 481 U.S. 770, 776 n.5 (1985) (Federal Rules of Civil Procedure may be applied to habeas corpus petitions filed pursuant to 28 U.S.C. § 2254 as long as the Rules are not inconsistent with the Rules Governing Habeas Corpus Cases Under § 2254). The Clerk is directed to close the case.

6/24/2008
DATE

Joseph J. Fane
UNITED STATES DISTRICT JUDGE